

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 19, 2003
at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 563, HB475, HB 607, 2/17/2003
Executive Action: HB 518 DO PASS AS AMENDED,
HB 382 DO PASS

HEARING ON HB 563

Sponsor: REP JEFF LASZLOFFY, HD 22, Laurel

Opening Statement by Sponsor:

REP LASZLOFFY said he brought this bill to revise election laws on behalf of the Montana Clerks & Recorders Association (MCRA). Third parties may not collect ballots or ballot requests. Language is tighter than HB 190. He gave an amendment.

EXHIBIT(sth37a01)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.6}

Proponents' Testimony:

Duane Winslow, Yellowstone County Election Administrator, is in favor of election by acclamation to save costs. His county could save \$7-10,000 on a primary ballot.

Robert Throssel, Montana Clerk and Recorder Association (MCRA), said handling of ballots by third parties has raised concerns.

Sharon Tenney, Election Supervisor, Cascade County, said absentee requests were up partly because turnout increased, but committees were going door-to-door having folks sign absentee requests, but then 3/4 of them must have forgotten they requested absentees, because they showed up at the polls anyway.

Janice Doggett, Chief Legal Counsel, Secretary of State's Office, testified in support.

{Tape: 1; Side: A; Approx. Time Counter: 2.6 - 14.8}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

Questions from REPS. ROBERTS, BECKER, YOUNKIN, HURWITZ, DICKENSON & SCHRUMPF revolved around increased turnout and problems with fraudulent collection of absentee requests, especially in nursing homes.

{Tape: 1; Side: A; Approx. Time Counter: 14.8 - 31.3}

Closing by Sponsor:

The sponsor said this reduces costs, streamlines and ensures the integrity of the election process.

{Tape: 1; Side: A; Approx. Time Counter: 31.3 - 33}

HEARING ON HB 475

Sponsor: REP. RICK MAEDJE, HD 81, Lincoln County,

Opening Statement by Sponsor:

REP. MAEDJE said this bill's broad scope addresses departments' administrative actions which impact private party rights. He may have a lot of amendments, some of which are not ready. He discussed the sections and changes they would make.

{Tape: 1; Side: A; Approx. Time Counter: 33 - 47.9}

Proponents' Testimony:

Don Allen, Western Environmental Trade Association, said there is frustration with the way decisions get made; a lot are federal Forest Service decisions, but some are state.

{Tape: 1; Side: A; Approx. Time Counter: 47 - 57}

Opponents' Testimony:

Bud Clinch, Director of DNRC, testified against and produced maps.

EXHIBIT(sth37a02)

EXHIBIT(sth37a03)

Larry Peterman, FWP, Chief of Field Operations, testified against and gave written testimony.

EXHIBIT(sth37a04)

Tim Reardon, Chief Counsel, MDT, testified against.

{Tape: 1; Side: A; Approx. Time Counter: 57- 63}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 18}

Informational Testimony:

Sarah Carlson, Montana Association of Conservation Districts, gave written testimony.

EXHIBIT(sth37a05)

Barbara Roberts, Women Involved in Farm Economics (WIFE), related an incident where people were digging on her land without her permission or knowledge.

{Tape: 1; Side: B; Approx. Time Counter: 18 - 23}

Questions from Committee Members and Responses:

CHAIRMAN BARRETT asked Mr. Peterman for a list of the 12 blue ribbon streams and those water rights which he just mentioned. He said he would do that.

{Tape: 1; Side: B; Approx. Time Counter: 24 - 29}

Closing by Sponsor:

REP. MAEDJE said Mr. Clinch was probably right and he will amend this. He said that an interim study would be acceptable. The local folks and conservation districts know the land and they should be accommodated; a block management amendment also is requested, he said.

{Tape: 1; Side: B; Approx. Time Counter: 29 - 35.4}

HEARING ON HB 607

Sponsor: **REP. TOM FACEY, HD 67, Missoula**

Opening Statement by Sponsor:

REP. FACEY explained the sections, and how it affected constituents. He said there is no state interest in this matter of same-sex marriage.

{Tape: 1; Side: B; Approx. Time Counter: 35.4 - 42.6}

Proponents' Testimony:

Rep. Brad Newman, HD, 38, Butte, Co-sponsor, said this affected property rights, medical care, inheritance, emergency health services.

Karl Olson, Director, Montana PRIDE, said civil marriage has changed significantly over time.

EXHIBIT (sth37a06)

Betty Kijewski, Montana Human Rights Network, testified in favor.

Rip Wagner said without this benefit, primary caretakers could be left out of Intensive Care Unit (ICU) decisions of their partners.

Jennifer Hendricks, Constitutional Law Attorney, said this is an issue of equal protection, sex discrimination, and religion. She gave written testimony for her husband.

EXHIBIT (sth37a07)

Jan Donaldson, Helena, said it is a civil rights issue.

Maryanne Guggenheim, M.D., Neurologist, Former Legislator, testified in favor.

Jeff Donaldson-Forbes, Helena, said complex legal arrangements are necessary to get the rights afforded by marriage.

The Rev. John S. Lewis, testified in favor.

Vernon Wright, United Church of Christ (UCC), testified in favor.

The Rev. Bob Thaden, UCC, Butte, testified in favor and provided written testimony.

EXHIBIT (sth37a08)

Stacy James testified in favor.

Joe Loos, National Association of Social Workers, testified in favor and provided written testimony.

EXHIBIT (sth37a09)

Gary Stallings testified in favor.

Linda Gryczan testified in favor.

Scott Crichton, Executive Director, Montana ACLU, testified in favor.

{Tape: 1; Side: B; Approx. Time Counter: 42.6 - 60}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 23}

Opponents' Testimony:

Julie Milam, Executive Director, Montana Family Coalition, said this would affect school curricula, businesses having to cover spouses and parenting. She provided written testimony.

EXHIBIT (sth37a10)

Brother Bob Fishman, Brothers & Sisters of Charity, said that marriage is a sacred institution, like the flag. He provided written testimony.

EXHIBIT (sth37a11)

Chris Jones, Director, Coalition for Community Responsibility, gave written testimony and said there should have been a fiscal note.

EXHIBIT (sth37a12)

Lani Candelora, Montana Catholic Conference Lobbyist, was against the bill.

Jenny Dodge, Citizens' Network, provided written testimony.
EXHIBIT(sth37a13)

Gilda Clancy, Eagle Forum, Former Legislator, testified against.

Joshua Boswell, Executive Director, Montana Republican Party and Seventh Day Adventist Church, also testified against.

Harris Himes, Hamilton Pastor & Attorney said there are common-law problems of pecuniary damages, and they are treading turgid waters here.

{Tape: 2; Side: A; Approx. Time Counter: 23 - 52.3}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. YOUNKIN, B. OLSON and DICKENSON had questions of those in attendance.

{Tape: 2; Side: A; Approx. Time Counter: 52.3 - 60}

Closing by Sponsor:

REP. FACEY thanked **CHAIRMAN BARRETT** personally for the respectful hearing.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 3.9}

EXECUTIVE ACTION ON HB 518

CHAIRMAN BARRETT said she was waiting for information on state jobs ads, but they can get it later on the Floor.

Motion: **REP. A. OLSON** moved HB 518 do pass.

Motion: **REP. YOUNKIN** moved HB 518 CONCEPTUAL AMENDMENT TO STRIKE "JUDICIAL BRANCH" ON PAGE 1, LINE 18.

Discussion:

REP. YOUNKIN said it should not be included with executive and legislative; it is a slippery slope. There is a different kind of advertising for judicial. **REP BROWN** is against. **REP. BECKER** was not sure. **REP. YOUNKIN** said judges are elected. **REP. JENT**

said probation is through Corrections Department. **REP. A. OLSON** agreed with the motion, as did **REP. LENHART**.

Vote: On a voice vote, **motion carried 15-4**. Voting no were **REPS. B. OLSON, BECKER, BROWN** and **JACOBSON**. **REP. SMITH** voted by proxy.

Discussion:

REP. HURWITZ questioned the lack of a fiscal note. **CHAIRMAN BARRETT** said the bill is to save money, not cost money, but a fiscal note was requested.

Vote: On a voice vote, **HB 518 DO PASS AS AMENDED carried 19-0**

Motion/Vote: **REP. A. OLSON** moved **HB 518 TO THE CONSENT CALENDAR**. **Motion carried 16-3**; voting no were **REPS. JENT, BROWN** and **ROBERTSON**. Though motion carried, the bill will not be placed on the consent calendar according to House Rules H40-110(b) requiring a unanimous vote on such a motion.

Note: SB 518 was not signed out of committee until 2/24/03.

{Tape: 2; Side: B; Approx. Time Counter: 3.9 - 12}

EXECUTIVE ACTION ON HB 431

Motion: **REP. BROWN** moved **HB 431 BE TAKEN OFF THE TABLE**. On a voice vote, **motion carried 18-1**. **REP. YOUNKIN** voted no.

Motion: **REP. BROWN** moved **HB 431 AMENDMENT (043102.ash)**.
EXHIBIT (sth37a14)

Discussion: **REP BROWN** explained the changes. She said Whitefish was an exception and this reverts the law to previous language.

Discussion:

REP. YOUNKIN said she needed coordinating instructions.

Motion was withdrawn.

EXECUTIVE ACTION ON HB 523

CHAIRMAN BARRETT asked if there were amendments. **REP. YOUNKIN** said she had some and Ms. Heffelfinger is preparing them, but they need **REP. BALLEAT'S** approval.

EXECUTIVE ACTION ON HB 382

Motion: REP. WINDY BOY moved HB 382 DO PASS.

Discussion: Ms. Heffelfinger distributed, read and explained the Response to Request for Amendment.

EXHIBIT(sth37a15)

{Tape: 2; Side: B; Approx. Time Counter: 12 - 16}

Vote: On a roll call vote, motion carried 12-7. Voting no were REPS. BROWN, BALLANTYNE, LEHMAN, LENHART, SCHRUMPF, WAGMAN and A. OLSON. REP. A. OLSON voted by proxy.

ADJOURNMENT

Adjournment: 12 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (*sth37aad*)